

**Notice of Allowability**

Application No.

10/675,886

Applicant(s)

PETERSEN ET AL.

Examiner

Arleen M. Vazquez

Art Unit

2829

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 06/25/2007.
2. ☒ The allowed claim(s) is/are 65,66,69,70,72-83,87-91,94-121 and 140.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),  
Paper No./Mail Date 08302007 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Michael B. Lasky on 08/22/2007.

The application has been amended as follows:

Claims 122-130 have been cancelled.

### ***Reasons for Allowance***

2. Claims 65,66,69,70,72-83,87-91,94-121 and 140 are allowed.

3. The following is an examiner's statement of reasons for allowance:

Claim 65 recites a second multitude of conductive guarding electrodes being positioned on second multitude of areas defined on said first surface between said first multitude of conductive probe arms, and comprising an insulating spacing between said electrodes and said conductive probe arms, said second multitude of conductive electrodes for active guarding and extending along side said first multitude of probe arms only up to their distal portions, so that said second electrodes are shorter than said first probe arms and said distal portions and ends of said first probe arms are free

to contact the test sample, in combination with other elements of the claim. Since claims 69,72-83,87-91 and 140 depend from claim 65, they are also allowed.

Claim 66 recites a second multitude of conductive guarding electrodes being positioned on second multitude of areas defined on said first surface between said first multitude of conductive probe arms, and comprising an insulating spacing between said electrodes and said conductive probe arms, said second multitude of conductive electrodes for active guarding and extending along side said first multitude of probe arms only up to their distal portions, so that said second electrodes are shorter than said first electrodes and said distal portions and ends of said first probe arms are free to contact test surfaces and wherein said second multitude of areas are undercut in relation to the plane of said first surface of said supporting body, in combination with other elements of the claim. Since claim 70 depends from claim 66, it is also allowed.

Claim 94 recites a second multitude of conductive guarding electrodes being positioned on second multitude of areas defined on said first surface between said first multitude of conductive probe arms, and comprising an insulating spacing between said electrodes and said conductive probe arms, said second multitude of conductive electrodes for active guarding, said first probe arms extending beyond said second guarding electrodes, so that said second guarding electrodes are shorter than said first probe arms and their distal ends are free to contact the test sample and a second conductive layer acting as said electrodes on said supporting body between said first multitude of conductive probe arms, in combination with other elements of the claim. Since claim 95 depends from claim 94, it is also allowed.

Claim 96 recites a second multitude of conductive guarding electrodes being positioned on second multitude of areas defined on said first surface between said first multitude of conductive probe arms, and comprising an insulating spacing between said electrodes and said conductive probe arms, said second multitude of conductive electrodes for active guarding and said first probe arms extending beyond said second guarding electrodes, so that said second guarding electrodes are shorter than said first probe arms and their distal ends are free to contact the test sample, in combination with other elements of the claim. Since claims 97-121 depend from claim 96, they are also allowed.

These features in combination with other elements of the claims are neither suggested nor disclosed in the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

#### ***Conclusion***

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arleen M. Vazquez whose telephone number is 571-272-2619. The examiner can normally be reached on Monday to Friday, 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ha Nguyen can be reached on 571-272-1678. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AMV



HA TRAN NGUYEN  
SUPERVISOR

8/29/17